

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 11-47

RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED, PURSUANT TO THE MAYOR'S EXECUTIVE REORGANIZATION AUTHORITY, RELATING TO THE OFFICE OF HOUSING AND THE DEPARTMENT OF COMMUNITY SERVICES.

WHEREAS, homelessness and affordable housing continue to be two of Honolulu's most significant and challenging social problems; and

WHEREAS, on September 1, 2010 the council initiated a charter amendment to create an office of housing directly under the mayor, which charter amendment was approved by the electors at the 2010 general election; and

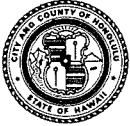
WHEREAS, the mayor was elected into office following a special election on September 18, 2010; and

WHEREAS, the creation of an office of housing within the mayor's office was intended by its proponents to address the lack of affordable housing in Honolulu and to facilitate the development of coherent housing policies for the city; and

WHEREAS, an office of housing to coordinate city affordable housing efforts and to develop city housing policies would afford the issues of affordable housing and homelessness the priority they warrant, but the organizational details contained in the amendment, calling for the placement of several housing administrative functions, large-scale line-agency programs and numerous civil service employees in an office directly under the mayor, are not optimal; and

WHEREAS, a policy-making office in the office of the mayor that provides coordination and direction, but that does not displace the numerous housing powers, duties and functions, and the employees, records, property, equipment, obligations, liabilities and contracts relating thereto that currently reside with the department of community services, would be more appropriate to the overall scheme of organization of the executive branch, and would more effectively and efficiently fulfill the intent of the charter amendment; and

WHEREAS, the mayor retains broad and flexible powers to effectuate an executive reorganization under Section 4-202 of the Revised Charter of the City and County of Honolulu, 1973, as amended, which reorganization shall become effective on council approval or unless rejected by a two-third's vote of the council's entire membership in accordance with the terms of said provision; and



RESOLUTION

WHEREAS, in the exercise of his broad executive reorganization authority the mayor proposes that the charter be further amended to give effect generally to the words of the 2010 general election ballot question presented to the voters but to avoid the establishment of a line-agency in the mayor's office by: (1) creating the office of housing as an agency directly under the managing director, to function as a policy-making and coordinating agency for the city with respect to affordable housing and homelessness; and (2) retaining within the department of community services all of its current housing powers, duties and functions, and all of the employees, records, property, equipment, obligations, liabilities and contracts utilized in or relating to the exercise of those housing powers, duties and functions; and

WHEREAS, to implement and achieve these broad goals in the exercise of his of executive reorganization authority, the mayor proposes the specific amendments to charter language set forth in paragraphs 1 through 6 of the first "BE IT RESOLVED " paragraph hereinafter set forth; and

WHEREAS, the council is in accord with the mayor's proposal; now, therefore,

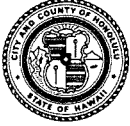
BE IT RESOLVED by the Council of the City and County of Honolulu that the council approves the mayor's proposal to amend the charter as follows:

1. That Article VI of the Revised Charter of the City and County of Honolulu 1973, ("Executive Branch -- Managing Director and Agencies Directly Under the Managing Director"), as amended, be amended by adding a new Section to Chapter 1 ("Managing Director") to be appropriately designated by the revisor of the charter and to read as follows:

"Section 6-10___. Office of Housing --

There shall be an office of housing headed by an executive for housing who shall be appointed and may be removed by the mayor. The executive for housing shall have had a minimum of three years experience in the administration of affordable housing programs or projects or programs for low-income, homeless or special needs populations. The executive for housing shall:

(a) Oversee, coordinate and direct the development, preparation and implementation of plans and programs relating to affordable housing, senior housing, special needs housing, and homelessness, for the benefit of the people of the city.



RESOLUTION

(b) Oversee, coordinate and direct the activities and functions of the city relating to affordable housing, senior housing, homelessness, and special needs housing.

(c) Coordinate city activities and programs relating to affordable housing, senior housing, homelessness, and special needs housing with those of the state and federal governments and those of public or private housing organizations within the state."

2. That conforming amendments be made to Article V of the Revised Charter of the City and County of Honolulu 1973, ("Executive Branch – Mayor and Agencies Directly Under the Mayor"), as amended, by repealing the Chapter 3, which reads as follows:

[“CHAPTER 3

OFFICE OF HOUSING

Section 5-301. Organization --

There shall be an office of housing headed by an executive who shall be appointed and may be removed by the mayor. The executive shall have had a minimum of three years experience in the administration of housing programs or projects or advocacy on behalf of the homeless or special needs populations. Notwithstanding any law to the contrary, the council may establish or designate by ordinance a dedicated fund to pay the expenses and projects of this office.

Section 5-302. Powers, Duties and Functions --

The office of housing shall:

(a) Establish and administer programs, projects, and plans of action regarding affordable housing, senior housing, special needs housing, and homelessness.

(b) Administer and secure funds, grants, and loans for affordable housing for low to moderate income persons or the homeless.

(c) Administer housing ownership programs, rental subsidy programs, fair housing programs, and housing rehabilitation and loan programs.



RESOLUTION

(d) Ensure that all city-funded projects relating to affordable housing and homelessness serve the people they are intended to serve, are well maintained, and financially sustainable.

(e) Coordinate the operations, programs, and intergovernmental agreements of the city relating to affordable housing, senior housing, homelessness, and special needs housing with the applicable services and programs of other counties, and of the state and federal governments.

(f) Act as the local public officer for the purpose of implementing federally-aided and state-aided housing, provided that such projects and programs conform to and implement the general plan and development plans.

(g) Work with private firms, nonprofit groups, community organizations, and individuals to address issues regarding affordable housing, senior housing, special needs housing, and homelessness.

(h) Advocate for federal, state, and local legislation that will promote affordable housing, including housing for the homeless, seniors, or others with special needs.”]

3. That conforming amendments be made to Section 4-104 of the Revised Charter of the City and County of Honolulu 1973, as amended, to read as follows:

“Section 4-104. Appointment, Confirmation and Removal of Officers and Employees --

1. All department and executive agency heads and the managing director, as provided in Sections 5-201, [5-301,] 6-101, 6-105, 6-201, 6-301, 6-401, 6-501, 6-601, 6-701, 6-801, 6-901, 6-1101, 6-1201, 6-1301, 6-1401, 6-1501, and 6-1701, shall be nominated and, by and with the advice and consent of the council, appointed and may be removed by the mayor, except as otherwise provided by this charter. Department heads shall be duly registered voters of the city and qualifications of department heads shall be as required by this charter.

2. When the position of head of an executive agency becomes vacant and the mayor is the appointing authority, the mayor may temporarily fill the vacancy by granting a commission allowing the nominee to fulfill the responsibilities of the position. The commission shall begin when the mayor submits to the council a request for confirmation. The commission



RESOLUTION

shall expire when the council makes the confirmation decision. If the nominee fails to be confirmed by the council, the nominee shall not be eligible for another interim appointment to the same office.

3. Department heads may appoint the necessary staff for which appropriations have been made by the council.

4. No appointing authority shall appoint any person to any office or position exempted from civil service until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of the person's office or position."

4. That conforming amendments be made to Section 6-302 of the Revised Charter of the City and County of Honolulu 1973, as amended, to read as follows:

"Section 6-302. Powers, Duties and Functions --

The director of community services shall:

(a) Develop and administer projects, programs and plans of action for human resources [and], human services and housing programs.

(b) Develop and administer projects, programs and plans of action designed to achieve sound community development, provided that such projects, programs and plans of action conform to and implement the general plan and development plans.

(c) Act as the local public officer for the purpose of implementing federally-aided and state-aided human resources, human services, housing, urban renewal and community development programs."

5. That conforming amendments be made to that Section 6-1103, Revised Charter of the City and County of Honolulu 1973, as amended, to read as follows:

"Section 6-1103. Civil Service and Executive Branch Exemptions --

The provisions of this chapter of the charter shall apply to all positions in the service of the executive branch. This section shall apply to semi-autonomous agencies as though they are departments of the executive branch. The following positions shall be exempt from the provisions of this chapter of the charter:



RESOLUTION

(a) Positions of officers elected by public vote; positions of heads of departments; the position of the band director of the Royal Hawaiian Band; the position of the executive for housing; the position of the manager and chief engineer of the board of water supply; and the manager of any semi-autonomous agency created by ordinance.

(b) Positions in the office of the mayor, [including that of the executive for housing and private secretary to the executive for housing,] but such positions shall be included in the position classification plan. Employees of the civil defense agency[,] and Royal Hawaiian Band, other than the band director, [and the office of housing] shall not be exempted from civil service.

(c) Positions of deputies of the corporation counsel, deputies and administrative or executive assistants of the prosecuting attorney and law clerks.

(d) Positions of members of any board, commission or equivalent body.

(e) Positions of a temporary nature filled by students.

(f) Personal services obtained by contract where the director has certified that the service is special or unique, is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform such service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year.

(g) Personal services of a temporary nature needed in the public interest where the need for the same does not exceed one year, but before any person may be employed to render such temporary service, the director of human resources shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable.

(h) Personal services performed on a fee, contract or piecework basis by persons who may lawfully perform their duties concurrently with their private business or profession or other private employment, if any, and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the portion of time devoted to the service of the city and when such fact is certified to by the director of human resources.



RESOLUTION

(i) Positions of one first deputy; and for the Honolulu Police Department one additional deputy; private secretaries to heads of departments and their deputies and to the executive for housing; and the position of managing director, one first deputy and private secretaries to each; but private secretarial positions shall be included in the position classification plan. The first deputy in the department of human resources, however, shall not be exempt from civil service.

(j) Positions or personal services in demonstration programs and joint participation and special projects which serve the community; provided that such exemptions are required by federal law or rules and regulations and then in accordance with procedures established by ordinance.

The director of human resources shall determine the applicability of this section of the charter to specific employment or services in the executive branch."

6. That conforming amendments be made to Article XVI of the Revised Charter of the City and County of Honolulu 1973, ("Transition Schedule"), as amended, by repealing the Section 16-131 which reads as follows:

["Section 16-131. Transition Provisions Concerning the Establishment of the Office of Housing --

1. At the close of June 30, 2011, the department of community services' powers, duties, and functions relating to affordable housing, senior housing, special needs housing, and homelessness shall be transferred to and assumed by the office of housing effective July 1, 2011.

2. At the close of June 30, 2011, the mayor's executive assistant on housing shall cease service in that capacity.

3. All civil service officers and employees holding positions or functions relating to affordable housing, senior housing, special needs housing and homelessness within the department of community services, on June 30, 2011, shall be transferred to the office of housing effective July 1, 2011. The civil service officers and employees shall suffer no loss of vacation allowance, sick leave, service credits, retirement benefits, or other rights and privileges because of the transfer. Nothing in this subsection, however, shall be construed as preventing future changes in status pursuant to the civil service provisions of this charter.



RESOLUTION

4. All lawful obligations, liabilities, and contracts owed by or to the department of community services relating to affordable housing, senior housing, special needs housing, or homelessness which exist on June 30, 2011 shall be transferred to and assumed by the office of housing effective July 1, 2011. The obligations shall continue in effect until discharged or lawfully terminated.

5. All records, property, and equipment held by the department of community services on June 30, 2011, regarding affordable housing, senior housing, special needs housing, and homelessness shall be transferred to and assumed by the office of housing effective July 1, 2011.”]

BE IT FURTHER RESOLVED by the Council of the City and County of Honolulu:

1. That the revisor of the charter is directed to prepare a supplement of the charter containing this reorganization language;
2. That charter material to be repealed is bracketed and new charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973, as amended, the revisor of the charter need not include the brackets, the bracketed material, or the underscoring. If these charter provisions are amended by any other charter amendment, the revisor of the charter, in revising, compiling, or printing the charter: (1) may designate or redesignate articles, chapters, sections, or parts of sections and rearrange references thereto and (2) shall, except as otherwise expressly provided in this Resolution or in the other resolution(s) amending these charter provisions, give effect, to the extent possible, to all of the amendments approved. The revisor of the charter may also change capitalization or the form of numbers and monetary sums for the sake of uniformity.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 11-47

RESOLUTION

BE IT FURTHER RESOLVED that the City Clerk transmit a copy of this Resolution to the mayor and to the managing director and to the corporation counsel, City and County of Honolulu.

INTRODUCED BY:

Anthony Cava

(br)

DATE OF INTRODUCTION:

FEB 03 2011

Honolulu, Hawaii

Councilmembers

2011-02-03 11:52 AM

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

RESOLUTION 11-47

Introduced: 02/03/11 By: NESTOR GARCIA (BR)

Committee: BUDGET

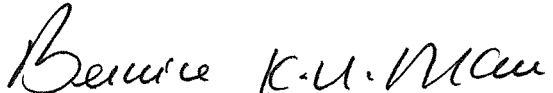
Title: RESOLUTION INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED, PURSUANT TO THE MAYOR'S EXECUTIVE REORGANIZATION AUTHORITY, RELATING TO THE OFFICE OF HOUSING AND THE DEPARTMENT OF COMMUNITY SERVICES.

Links: [RES11-47](#)
[CR-72](#)

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

| | | | | | |
|----------|----------|--|---|----------------|---|
| BUDGET | 03/02/11 | CR-72 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION. | | | |
| COUNCIL | 03/16/11 | CR-72 AND RESOLUTION 11-47 WERE ADOPTED. | | | |
| ANDERSON | Y | BERG | Y | CACHOLA | Y |
| GARCIA | Y | HARIMOTO | Y | KOBAYASHI | Y |
| | | | | CHANG | Y |
| | | | | MARTIN | Y |
| | | | | GABBARD TAMAYO | Y |

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


BERNICE K. N. MAU, CITY CLERK


NESTOR R. GARCIA, CHAIR AND PRESIDING OFFICER